

T. G. B.

PROPOSED AMENDMENTS TO LANE CODE CHAPTER 13

1. NEW PROPERTY LINE ADJUSTMENT SECTION TO IMPLEMENT HB 3629

Recommended new LC 13.450:

13.450 Property Line Adjustments.

- (1) The Planning Director may approve one or more property line adjustments based upon findings that the following standards are met:
 - (a) An application is submitted and reviewed pursuant to LC 14.050; and
 - (b) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and
 - (c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties and does not create an additional unit of land; and
 - (d) The property line adjustment complies with the surveying and monumenting requirements of ORS chapters 92.
- (2) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size in the zone after the adjustment.
- (3) Subject to subsection (4) of this section, the Planning Director may approve a property line adjustment in which:
 - (a) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or
 - (b) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.
- (4) On land zoned for exclusive farm use or forest, a property line adjustment under subsection (3) of this section may not be used to:
 - (a) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
 - (b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or

parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

- (c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

2. NEW VALIDATION OF UNIT OF LAND SECTION TO IMPLEMENT HB 2723

Recommended new LC 13.030:

13.030 Validation of a Unit of Land.

- (1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.050 if the unit of land:
 - (a) Is not a lawfully established unit of land; and
 - (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.
- (2) Notwithstanding subsection (1)(b) of this section, an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).
- (3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:
 - (a) The dwelling or other building was lawfully established prior to January 1, 2007; and
 - (b) The permit does not change or intensify the use of the dwelling or other building.
- (4) An application to validate a unit of land under this section is an application for a permit, as defined in ORS 215.402. An application under this section is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.
- (5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under this section if the owner of the unit of land records a partition plat within 90 days of validation.
- (6) An application to validate a unit of land under this section may not be approved if the unit of land was unlawfully created on or after January 1, 2007.
- (7) Development or improvement of a parcel created under subsection (5) of this section must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427 (3)(a).

3. LC 13.020 LEGAL LOT VERIFICATION

Recommend keeping LC 13.020 Legal Lot Verification and related definitions.

This includes keeping LC 13.020 and the LC 13.010 definitions for Legal Lot and Legal Lot Verification.

4. HOUSEKEEPING AND CONFORMING AMENDMENTS TO LC 13.010 DEFINITIONS, CONSISTENT WITH HB 2723 AND HB 3629

Recommended amendments to LC 13.010 definitions:

Lawfully Established Unit of Land

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or
- (2) Another unit of land:
 - (a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
 - (b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or
 - (c) That received legal lot verification from the County and was noticed pursuant LC 13.020.
- (3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.
- (4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

Partition. Either an act of partitioning land or an area or tract of land partitioned. ~~Partitions shall be divided into the following two types:~~

- ~~(1) Major Partitions. A partition which includes the creation of a road.~~
- ~~(2) Minor partitions. A partition that does not include the creation of any road.~~

Plat Partition Partition Plat. ~~A final diagram and other documents relating to a major or minor partition.~~ Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Partitioning Land. ~~Dividing land into two or to create not more than~~ three parcels of land within a calendar year, but does not include:

- (1) ~~A division of land resulting from~~ Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots, ~~or lots;~~
- (2) ~~An adjustment of a property line by the relocation of a common boundary where and additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning ordinance, or~~ Adjusting a property line as property line adjustment is defined in Lane Code 13.450;
- (3) Dividing land as a result of the recording of a subdivision or condominium plat;
- (4) ~~Selling or granting~~ A sale or grant by a person to a public agency or public body property for state highway, County road, city street or other right of way purposes ~~provided that such if such the~~ Road or right of way complies with the applicable Lane County Rural Comprehensive Plan and ORS 215.213 (2)(~~q p~~) to (~~s r~~) and 215.283 (2)(~~p q~~) to (~~r s~~). However, any sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
- (5) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Property line adjustment. ~~The~~ A relocation or elimination of a all or a portion of the common property line between two abutting properties that does not create an additional lot or parcel.